



People and Communities
Directorate

Adult Social Services

Complaints, Compliments and
Suggestions Procedure

2017

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1. Introduction

North Somerset Council are committed to providing good quality services to adults and their receiving support through social care services. We value feedback from the person directly, through a family member, friend, carer or advocate and will use this to monitor the effectiveness and improve our services delivered to you.

Feedback can be given in the form of a suggestion, compliment or complaint when you are not happy and feel that something has gone wrong. We have a Complaints Manager who will listen to your suggestions, compliments or complaints and you can contact them by

Email: complaints.manager@n-somerset.gov.uk

Tel: 01275 882171

Address: People and Communities, Town Hall, Weston-Super-Mare, BS23 1UJ

2. Aims and Objectives

The aim of this procedure is to provide an effective means of dealing efficiently with feedback from service users and the continuing development of our service delivery through this. We treat information received confidentially and view all correspondence as positive interaction from our customers which we try to resolve in the most appropriate way.

This falls in line with North Somerset Corporate Plan and its six aims which include maintaining a high performance. This complaints procedure encompasses the corporate values

- Put People First
- Respond to local opinion
- Encourage a culture of achievement
- Work with and involve others
- Think and act sustainably
- Deliver value for money
- Act with integrity
- Value everyone equally and respect diversity

3. Equality and Diversity

We recognise North Somerset is a diverse area and endeavor to treat each person with dignity and respect. Any person using this procedure to make a complaint will not be discriminated against due to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

In addition no person making a complaint or representation shall be discriminated against for doing so. This means there will be no negative repercussion as a result of your complaint.

4. Statutory Context

The council has a duty to handle complaints under the Local Authority Social Services and NHS complaints (England) Regulations 2009.

<http://www.legislation.gov.uk/ukxi/2009/309/contents/made?vi9ew=plain>

Also the Local Authority Social Services and NHS Complaints (England) Amendment regulations 2009

<http://www.legislation.gov.uk/ukxi/2009/309/contents/made?view=plain>

in relation to social services functions or any function carried out by the council under arrangements made between it and an NHS body under section 75 of the NHS Act 2006

<http://www.legislation.gov.uk/ukpga/2006/41/section/75> This is supported by "listening, responding, improving: a guide to better customer care"

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/publicationsandstatistics/publications/publicationspolicyandguidance/dh_095408

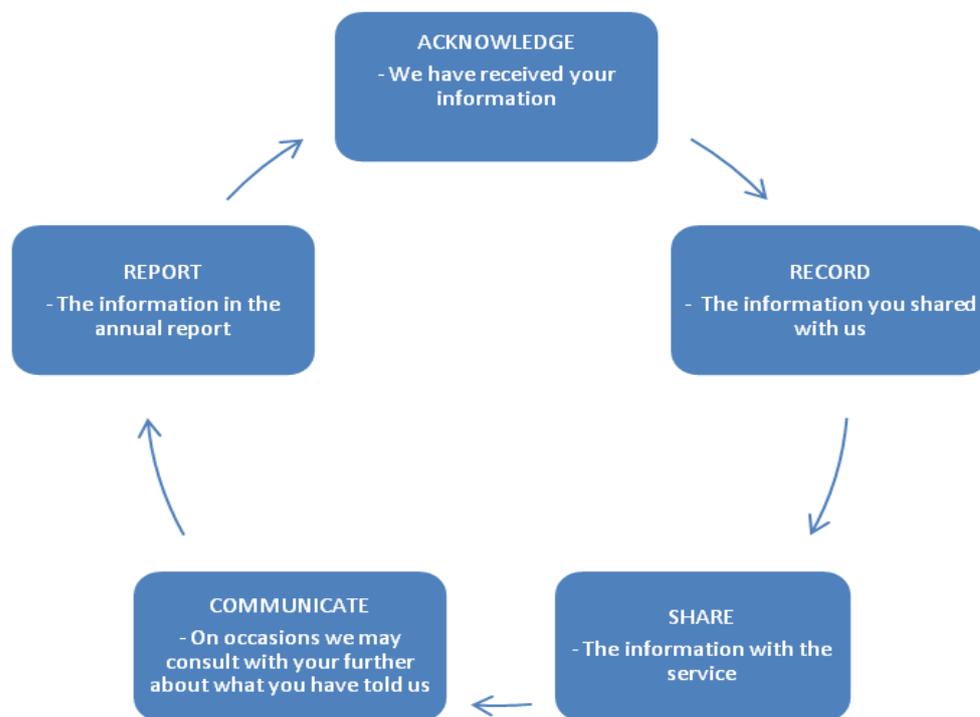
5. Suggestions and Compliments

We welcome suggestions, comments and compliments from service users about the service's they receive from us. Suggestions and comments can be made by the person themselves or their representatives if they want to tell us how we can improve or do something better.

Compliments can be made if you feel something has gone well that you want to tell us about. Your compliments will be shared with the person or team so they know when their contributions have been recognised. They will also be shared with the Service Manager and some published in internal newsletters.

All suggestions and compliments will be used to review service delivery and aid future developments based on customer focused feedback. You can make a suggestion or compliment, directly to the team or persons manager verbally or in writing, to the complaints manager or online www.n-somerset.gov.uk.

What we will do with your suggestion or compliment:



6. Complaints

Complaints should be made to us within 12 months after the grounds arose to make the complaint. We may consider complaints beyond this timescale if it is not reasonable to expect the complainant to make the complaint within the timescale or if we feel it is still possible to consider the complaint effectively and fairly.

6.1 Who may complain:

- Any person who receives or has received services provided or commissioned by the council, this includes any person likely to be affected by the action, omission or decision of the council.
- A complaint can be made by the person or by a person's representative acting on their behalf or whom is not capable of making a complaint themselves including if they have died or are deemed to lack capacity within the Mental Capacity Act 2005.
- It is the council's responsibility to decide if the person's representative has sufficient interest in the service user's welfare to act on their behalf. Wherever possible the council will seek consent from the service user that a complaint is being made on their behalf. Should a decision be made where it is not felt the representative is acting with the consent or in the best interests of the service user they shall be notified of this in writing.

6.2 What is not covered within this procedure:

The complaints procedure does not apply when:

- If the person wishing to complain does not meet the requirements of 'who may complain' and is not acting on behalf of such an individual
- The complaint is made by an employee or former employee relating to their employment or to the superannuation scheme
- A complaint is made verbally, which has been resolved to the complainant's satisfaction within one working day. The council will record such complaints as a 'concern'
- A complaint relating to the same subject matter which has previously been fully investigated by the council
- The same complaint has been fully investigated by the Health Service Ombudsman or the Local Government Ombudsman

- A complaint made by a person who is self funding their own care, the person will be directed to the care provider's complaints procedure.
- A complaint made by a person about the quality of care they are receiving which they purchase using the direct payments scheme.
- A complaint made about a legal action or decision
- Complaints about fee levels relate to a matter of council policy and are, therefore, not covered by this complaints procedure.

7. Safeguarding Adults

The Complaints Manager is trained in Safeguarding Adults. They consider each individual complaint and should there be any safeguarding concerns detailed in a complaint then this will be referred to the appropriate team and safeguarding procedures followed accordingly. This may mean that the complaints procedure is superseded by Safeguarding Protocol or put on hold whilst a safeguarding investigation takes place.

8. Freezing decisions

If your complaint is challenging a decision made about service provision through an assessment the Service Manager will consider if the decision complained about should be suspended whilst the complaint is considered. This will be communicated to you within the initial acknowledgment of your complaint.

9. Disciplinary matters

If, on receipt of a complaint there is any indication that the complaint might mean that the council may need to consider disciplinary action against a staff member, the matter will immediately be referred to the Assistant Director and the complaints procedure will be postponed until that investigation has been completed.

10. Multi Agency Complaints

At a local level, there are now multi-disciplinary teams where health and social care staff work together in adult care, mental health and services for people with learning difficulties. A protocol has been agreed with the NHS for complaints that relate to both health and social care issues.

The complaints manager will identify if your complaint relates to both health and social care. In these circumstances the complaint manager will liaise with you to seek consent to share information with its health partners and co-ordinate a joint response. The complaints manager will hold responsibility for coordinating the response and will remain your single point of contact on your complaint. There may be circumstances when it is decided the complaint is best co-ordinated by the health agency and you will be informed if this decision is made and given a named officer to contact.

Agencies we work closely with are National Health Service (NHS), North Somerset Community Partnership (NSCP), Clinical Commissioning Group (CCG) and Avon and Wiltshire Mental Health Partnership (AWP).

11. Complaints Procedure

The complaints procedure is a 1 stage process, with the potential for a further review, we would however encourage you discuss any issues you may have as soon as they arise with the person you are working with or their team manager. The person you talk to will listen to you and try to help find some solutions to your concerns. If you don't think your concerns have been resolved in this manner then the complaints process is detailed below. Up to Stage One of this process is open to any person who receives or has received services provided or commissioned by the council, this includes any person likely to be affected by the action, omission or decision of the council

Escalation to a further review is open to service users and their appointed representative. Wherever possible the council will seek consent from the service user that a complaint is being made on their behalf.

11.1 Stage One – Local Resolution

- Complaints can be made orally, in writing, via email or online.
- You can make your complaint directly to the person you are working with, their line manager or if you prefer the Complaints Manager.
- The person you complain to will listen to your concerns, record them, ask what your desired outcome is and advise you when to expect a written response.
- All complaints will be acknowledged within 3 working days either verbally or in writing.
- Stage One complaints are dealt with by Team Managers or Service Managers of the team your complaint relates to dependant on the details on your complaint.
- You will receive a response to your complaint within ten working days. There may be occasions where this timescale cannot be met due to the

complexities of your complaint. In these circumstances we will consult with you and aim to offer a response within a further ten working days.

- Your response should include what the person investigating the complaint has found, an apology if necessary and details on how improvements to service delivery can be made.
- Your response will also include details on how to take your complaint further if you are not satisfied with the response. It will also include details of the Local Government Ombudsman should you remain dissatisfied with the response.

11.2 Further review

If you feel your complaint has not been resolved at stage one you can contact the Complaints Manager and a further review

- With a further review you will be asked by the complaints manager to advise which part of the response you remain dissatisfied with.
- The Service Manager/senior manager may conduct a review of the complaint and its response and write to you with the findings.
- The reviewing officer will write an adjudication letter to you which will include conclusions reached. It will also include details of the Local Government Ombudsman should you remain dissatisfied with the response.

12. Advocacy

Throughout the complaints process you have the right to access an advocate to support you with your complaint. An advocate can be a person known to you such as a friend, relative, carer or professional. We can also access an advocate on your behalf through local independent agencies. An advocate can support you throughout their complaint and will be in attendance at all meetings or interviews you may be involved with as part of your complaint.

Where we appoint an advocate on your behalf we ensure the advocate has the skills to support you in your complaint and recognise where specialist advocates are required. We use the Independent Mental Capacity Advocacy Service (IMCAS) for complaints regarding Mental Health Service's and Your Say Advocacy Service for people with a Learning Disability.

13. Local Government Ombudsman

If you remain unsatisfied with the outcome of your complaint you can contact the Local Government Ombudsman. You will find more information on their website www.lgo.org.uk. Their contact details are as follows:

Tel: 0300 061 0614

Address: The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

14. MP Enquiries

Any correspondence received from an MP regarding an issue they have been contacted about from their constituents is dealt with as an MP enquiry and is recorded as such. This means we will respond directly to the MP regarding the concern unless requested otherwise. The MP may advise their constituent of this complaints procedure which they can follow.

15. Complaints about Commissioned Services

If you receive a service from an agency that we purchase on your behalf then this is called a commissioned service. All commissioned services have their own complaints procedure. If your complaint relates directly to the care you are receiving from the service in the first instance you are advised to complain directly to them. When we become aware of a complaint regarding a commissioned service each case will be looked at individually and discuss with you on the best way for it to be managed.

Part of the Contracts and Commissioning Team's role is to monitor the quality of care being provided by the services they commission. This means they carry out regular compliance visits and seek feedback from you on the care you receive.

If you self fund your care or are in receipt of direct payments that you use to pay for services then you will always be advised to contact the service direct regarding your complaint.

15.1 Residential Care Homes and Domiciliary Care

- You are initially advised to access the provider's complaints procedure as they are the 'responsible body' and have a duty to investigate complaints.
- You may decide to approach North Somerset Council if you wish to complain about a provider and feel you need support to do this. In these circumstances we will support you to access the complaints procedure of

the provider and liaise with the manager of the provision about the complaint. The response from the provider will be sent directly to you as the service user.

- If you have raised your complaint within the residential home or to the domiciliary care provider and remain unsatisfied with their response then you can report your dissatisfaction with us.
- Your complaint will be dealt with via this complaints procedure and the Contracts and Commissioning Team will liaise with the home regarding the complaint.

15.2 Care Quality Commission

If you remain unsatisfied with the outcome of your complaint from the provider you can contact the Care Quality Commission. You will find more information on their website www.cqc.org.uk. Their contact details are as follows:

Tel: 03000 616161

Address: CQC National Customer Service Centre, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA

16. Mental Health Act Complaints

Mental Health Services are provided in partnership with Avon and Wiltshire Mental Health Partnership (AWP) NHS Trust, AWP has its own complaints procedure. Should you wish to complain about a mental health service you are advised to discuss this with a social worker, team manager or the complaints manager.

AWP and North Somerset Council work in partnership regarding complaints. The complaints manager will consider each complaint and liaise with AWP as to the best course of action. You will be advised which agency is the lead on your complaint and whose complaints procedure your complaint is being dealt with under with details of their timescales.

When necessary a joint response will be completed to ensure your complaint is responded to thoroughly.

17. Annual Report

A Complaints, Compliments and Suggestions Report will be completed annually by the complaints manager. This will be published for all service users, staff, senior management and executive members to view and comment on. The report will include information and statistics from the previous year as well as recommendations and impact on service delivery. It is envisaged the annual report will show trends in the use of the complaints, compliments and suggestions process and advise on areas to improve ensuring accessibility for all.

18. Service Delivery and Monitoring

Complaints, compliments and suggestions are a key focus when reviewing the effectiveness of service delivery. Due to this information received and recorded by the complaints manager is communicated regularly to the management team who have responsibility for service review. This ensures customer feedback is incorporated and has an influence when decisions about changes to services are made.

19. Complaint E-Form

<https://apps.n-somerset.gov.uk/forms/customercomplaint/index.aspx>